

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Criminal No. 10-299 JNE/JJK

Plaintiff,

V.

PRELIMINARY ORDER
OF FORFEITURE

NICOLAS RYAN HEATH,

Defendant.

Based on the United States' motion for a Preliminary Order of Forfeiture; on the Plea Agreement entered into between the United States and Defendant Nicolas Ryan Heath; on the Court having found that certain property is subject to forfeiture pursuant to 18 U.S.C. § 2253(a); and on the Court's determination that, based on the Plea Agreement entered into by the Defendant and based on all of the files and records of this proceeding, the government has established the requisite nexus between such property and the offense to which the Defendant has pled guilty,

IT IS HEREBY ORDERED that:

1. the following property is forfeited to the United States pursuant to 18 U.S.C. § 2253(a) :

- a. One Quasar Palmcorder VHS C video camera, model VM-D52, serial number D21A10225, and one Sony compact video cassette tape found within;
- b. Western Digital hard drive, model WD800, serial number WMA8E3326673;
- c. One Seagate 120 gigabyte hard drive, model Barracuda 7200, serial

number 3JT3GHC8;

- d. One IBM Think Pad computer, model 2629;
- e. One Western Digital external hard drive, model 2309G, serial number WCAUF1975999;
- f. One gray Ezonics web camera;
- g. One Canon EOS Digital Rebel XT camera, model DS126071, serial number 1320718291, with Aspherical LD/Tamron lens, base stabilizer and accessories;
- h. One Kodak Easyshare camera, model ZD 710, serial number KCXHG73621356;
- i. One Acer laptop computer, model Aspire 5315; and
- j. Miscellaneous CDs, DVDs, compact VHS tapes, SD and other memory cards, USB and thumb drives and other storage devices.

2. the Attorney General or his authorized designee may seize the foregoing property and maintain custody and control of the property pending the entry of a Final Order of Forfeiture;

3. the United States shall, pursuant to 21 U.S.C. § 853(n)(1), as incorporated by 28 U.S.C. § 2461(c) publish and give notice of this Order and its intent to dispose of the foregoing property in such manner as the Attorney General may direct;

4. pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B), this Preliminary Order of Forfeiture shall become final as to the defendant at the time of sentencing, and shall be made a part of the sentence and included in the judgment;

5. following the Court's disposition of all petitions filed pursuant to 21 U.S.C. §

853(n)(2) or, if no petitions are filed, following the expiration of the time period specified within which to file such petitions, the United States shall have clear title to the foregoing property and may warrant good title to any subsequent purchaser or transferee; and

6. this Court shall retain jurisdiction to enforce this Order, and to amend it as necessary pursuant to Fed. R. Crim. P. 32.2(e).

Dated:5-11-2011

s/ Joan N. Ericksen
JOAN N. ERICKSEN, Judge
United States District Court